

**Salisbury Planning Board
Meeting Minutes**

Date: Wednesday, May 9, 2018

Place: Colchester Auditorium, Salisbury Town Hall, 5 Beach Road

Time: 7:00 p.m.

PB Members Present: Vice Chair Gina Park (GP), Don Egan (DE), John “Marty” Doggett (JMD), and Gil Medeiros (GM).

PB Members Absent: Chair Helen “Trudi” Holder (TH) and Louis Masiello (LM)

Also Present: Assistant Planner Bart McDonough (BMD), Planning Board secretary Sue Johnson (SJ)

Vice Chair Gina Park brought the meeting to order at **7:00 p.m.** in the Colchester Auditorium, Salisbury Town Hall. Announced, per opening meeting law, that the meeting was being recorded.

1. New Business

a. Signing of Plans / Permits

Nothing to be signed

- b. Approval not Required** – 536 North End Blvd, 7 & 7th Street East – James B Purtell, Manager of 536 North End Blvd LLC
Kathleen Desmond (KD) stated that she is representing the applicant. KD stated that the applicant would like to convey to what used to be lot 11 approximately 4,000 sf of land. KD stated that it is a subdivision of what used to be lot 2, lot 15 and a conveyance of lot 16. KD stated that they do not want to change anything in regards to frontage or access and that this would make lot 11 more conforming.

DE motioned to endorse the approval not required

JMD seconded

Vote: 3-0, motion passed

GM could not vote.

2. Public Hearing 7:10 pm

- a. Public Hearing:** Creating a new zoning bylaw entitled Marijuana Overlay District and amending the Official Zoning Map by adding the new overlay district and to take any other action relative thereto.

BMD showed the zoning map. GM asked how many licenses there were going to be. BMD replied 2 for retail. GP stated even though Beach Road is zoned commercial she did not feel that Beach Road should be in the district due to it being mostly residential. GP stated that a

recreational marijuana facility could bring a lot of extra traffic to the area. **DE** read the following restrictions:

- Recreational Marijuana Establishments may not be located within 500 feet of the following pre-existing uses:
 - a. School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
 - b. Video arcade facility;
 - c. State-licensed Child Care Facility;
 - d. Library, playground, public park, public beach, youth center; and/or
 - e. Similar facility in which minors commonly congregate.

DE then stated that there are some restrictions but not for residential.

DE stated that if the number of recreational marijuana licenses is going to be based on 20% of the number of liquor licenses (currently 4) then the actual number would be 1 not 2. **GM** questioned whether or not any store that is allowed to sell alcohol would be included as a liquor license. **DE** referenced MGL 138-15. **BMD** looked it up and displayed it on the screen. The Board reviewed the law and **GM** stated that it seems that any store that can sell alcohol would be included as holding a liquor license and went on to state if this is the case the number of recreational marijuana licenses permitted would change drastically.

GP asked if Chris Edwards (**CE**) of Alternative Therapies Group would like to speak. **CE** stated that the way the statutes and regulations are drafted states that if a community would like to have fewer than 20% of the number of package store licenses it would need to go to ballot. **CE** stated that other communities are interpreting the wording for a liquor license is that it has to be the stores primary business. **DE** asked if a medical marijuana facility could be converted into a recreational facility. **CE** stated it is anticipated that this will happen and that the converted facility is called a co-located facility which would sell both medical and adult use marijuana.

CE stated that in regards to the Location and Dimensional Controls the Cannabis Control Commission the language regarding the protected uses has changed to show only K-12 schools and a municipality may reduce the 500 foot buffer.

CE stated in regards to the special permit it will contain confidential information regarding security and emergency response plans and the way that this has been handled in other municipalities is that the applicant is required to review those sensitive items with local law enforcement and ask the Police Chief and Fire Chief to write a letter to the Planning Board indicating that they have reviewed the materials and are satisfied that they are adequate.

CE stated that in regards to on-site consumption that ATG will not allow this but in order to stop on site consumption a municipality would need a ballot vote.

DE asked **CE** what happens if a Town does not have a zoning by-law like this. **CE** replied that the consensus is that these facilities can go into any underlying retail zone or if they are a grower or cultivator they could go into any industrial or manufacturing zone. **CE** stated that it is in the best interest of the community to have zoning in place.

DE asked **BMD** what the downside of waiting until the Fall Town Meeting. **BMD** replied that the downside is that the Town would not have a business come in, open its doors and provide revenue. **DE** stated that the Town would lose 5-6 months of revenue. **BMD** stated it could take a year or longer. **CE** stated that there would be a significant loss of tax revenue to the Town which would be approximately \$100,000.00 per month. **GP** would like to see Beach Road removed from the Marijuana Overlay District map.

GM motioned I motion to recommend to Town Meeting to amend the Town's Zoning By-Laws by adding a new section entitled "Recreational Marijuana Overlay District to be numbered as appropriate in the Zoning Bylaw and further to amend the Table of Contents to add "Recreational Marijuana Overlay District and to amend the Town of Salisbury Official Zoning Map to include the new Recreational Marijuana Overlay District."

DE Seconded

Discussion:

DE stated that that the zoning by law is not a well-crafted document and he hesitate to vote for something that has a lot of loose ends. **DE** asked **BMD** what the rational was by making the overlay district is so large. **BMD** stated that it followed the commercial zone.

GM asked **BMD** if the Board closed the public hearing. **BMD** said no and asked **GM** to rescind the motion. **GM** stated that he rescinded the motion.

GM motioned to close the public hearing.

JMD seconded

Vote: 4-0 motion passed

GM motioned to recommend to Town Meeting to amend the Town's Zoning By-Laws by adding a new section entitled "Recreational Marijuana Overlay District to be numbered as appropriate in the Zoning Bylaw and further to amend the Table of Contents to add "Recreational Marijuana Overlay District and to amend the Town of Salisbury Official Zoning Map to include the new Recreational Marijuana Overlay District."

DE Seconded

Discussion:

DE would like the following language to be added regarding the special permit: §300-35 of the Zoning By-laws of the Town of Salisbury is hereby incorporated as the criteria that the special permit granting authority shall use in addition to the site plan criteria. **GP** would like a letter written to the Board of Selectmen encouraging them to explore the adoption of the 3% tax revenue.

DE would like to add the following language regarding the number of recreational marijuana retail licenses: Two or 20% of the number of liquor licenses whichever is greater.

GP would like Beach Road to be taken off the Recreational Marijuana Overlay District map.

GM disagreed. **DE** stated he thinks Beach Road should be taken off of the map and that it would be easier to add in the future. **BMD** stated that the motion would need to be amended with the changes discussed.

DE motioned to recommend to Town Meeting to amend the Town's Zoning By-Laws by adding a new section entitled "Recreational Marijuana Overlay District to be numbered as appropriate in the Zoning Bylaw and further to amend the Table of Contents to add "Recreational Marijuana Overlay District and to amend the Town of Salisbury Official

Zoning Map to include the new Recreational Marijuana Overlay District with the following amendments:

1. In the special permit section, section A will now read - In addition to the site plan criteria detailed in this section the special permit criteria as specified in section §300-35 of the Zoning By-laws of the Town of Salisbury are hereby incorporated and section A as printed will now become section B.
2. The number of licenses section will be amended to read - The number of Recreational Marijuana Retailers permissible to be located in the RMOD shall be limited to two or twenty percent (20%) or whichever is greater of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold pursuant to G.L. c.138 §15. In the event that 20% of said licenses shall not be a whole number, the limit shall be rounded up to the nearest whole number.
3. Remove the Beach Road section of the overlay district as shown on the zoning map and the detailed lot numbers be enumerated at Town Meeting.

DE seconded.

JMD, DE and **GP** raised their hands to vote.

GM stated that he had a question and **BMD** stated that they had already voted and that the vote would need to be reconsidered.

GM motioned to reconsider

DE seconded

Vote: 3-1 motion passed

GP opposed

DE withdrew his motion as amended.

DE motioned to recommend to Town Meeting to amend the Town's Zoning By-Laws by adding a new section entitled "Recreational Marijuana Overlay District to be numbered as appropriate in the Zoning Bylaw and further to amend the Table of Contents to add "Recreational Marijuana Overlay District and to amend the Town of Salisbury Official Zoning Map to include the new Recreational Marijuana Overlay District with the following amendment:

In the special permit section, section A will now read - In addition to the site plan criteria detailed in this section the special permit criteria as specified in section §300-35 of the Zoning By-laws of the Town of Salisbury are hereby incorporated and section A as printed will now become section B.

GM seconded

Vote: 4-0 motion passed

DE motioned to recommend to Town Meeting to amend the Town's Zoning By-Laws by adding a new section entitled "Recreational Marijuana Overlay District to be numbered as appropriate in the Zoning Bylaw and further to amend the Table of Contents to add "Recreational Marijuana Overlay District and to amend the Town of Salisbury Official Zoning Map to include the new Recreational Marijuana Overlay District with the following additional amendment:

The number of licenses section will be amended to read - The number of Recreational Marijuana Retailers permissible to be located in the RMOD shall be limited to **two or** twenty percent (20%) **or whichever is greater** of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold pursuant to G.L. c.138 §15. In the event that 20% of said licenses shall not be a whole number, the limit shall be rounded up to the nearest whole number.

GM seconded

Vote: 4-0 motion passed

DE motioned to recommend to Town Meeting to amend the Town's Zoning By-Laws by adding a new section entitled "Recreational Marijuana Overlay District to be numbered as appropriate in the Zoning Bylaw and further to amend the Table of Contents to add "Recreational Marijuana Overlay District and to amend the Town of Salisbury Official Zoning Map to include the new Recreational Marijuana Overlay District with the following additional amendment:

Delete the Beach Road section of the overlay district map detailed lot numbers be enumerated at Town Meeting.

JMD seconded

Discussion:

DE stated that there are many other options in town.

GM stated that there is an underdeveloped area on Beach Road diagonally across from Town Hall.

GP asked why the Village Center was not part of the overlay district. **BMD** replied that medical was not allowed there and that is why it was not added.

Vote: 3-1 motion passed

GM opposed

BMD stated that the Board needed to vote on everything again as amended.

DE motioned

GM seconded

Vote: 4-0 motion passed

a. Certificate of Partial Completion—158 Elm Street—Wrangler Realty Trust

Paul Bertolli (**PB**) discussed all of the changes that have been made to the project and thanked the Board for all of their guidance and submitted a revised parking plan **DE** stated that because this was a new plan that the Board should accept as a minor site plan modification.

DE motioned to accept the plan submitted today as a minor site plan modification.

JMD seconded

Vote: 4-0 motion passed

DE motioned to approve the partial certificate of completion.

GM seconded

Vote: 4-0 motion passed

- b. **Public Hearing:** Amending the Official Zoning Map by changing the existing zoning of Lot 38 on Assessor's Map 6 from Medium Density Residential (R-2) and Commercial (C) Districts to Village Center District (VC) and to take any other action relative thereto.

DE motioned to close the public hearing

JMD seconded

Vote: 4-0 motion passed

DE motioned to recommend to Town Meeting to amend the Town's Zoning By-Laws by changing the existing zoning of Lot 38 on Assessor's Map 6 from Medium Density Residential (R-2) and Commercial (C) Districts to Village Center District (VC); and to amend Zoning Bylaw, Article II (Zoning Districts), §300-7 (Zoning Map) by adding a new sub-section stating that Lot 38 on Assessor's Map 6 is included in the Village Center District (VC).

JMD seconded

Vote: 4-0 motion passed

- c. **Public Hearing:** Amending §300-26. Duties of Building Inspector., Paragraph E. and Paragraph F. or take other action relative thereto.

GM motioned to close the public hearing

JMD seconded

Vote: 4-0 motion passed

GM motioned to recommend to Town Meeting to amend the Town's Zoning By-Laws by amending §300-26. Duties of Building Inspector. Paragraph E and Paragraph F.

JMD seconded

Vote: 4-0 motion passed

3. Old Business

- a. **Housing Production Plan for the Town of Salisbury**—Prepared by Merrimack Valley Planning Commission

JMD motioned to recommend to the Board of Selectmen to adopt the housing production plan authored by Merrimack Valley Planning Commission with the amendments offered by the Affordable Housing Trust.

DE seconded

Vote: 4-0 motion passed

4. Correspondence

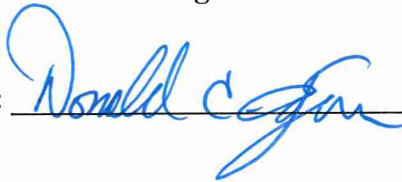
- a. Minutes: February 28, 2018
GM motioned to approve
DE seconded
Vote: 4-0 motion passed
- b. Minutes: March 14, 2018
GM motioned to approve
DE seconded
Vote: 4-0 motion passed
- c. Minutes: March 22, 2018
GM motioned to approve
JMD seconded
Vote: 4-0 motion passed
- d. Minutes: March 28, 2018
JMD motioned to approve
DE seconded
Vote: 4-0 motion passed

5. Adjournment

DE motioned to adjourn
JMD seconded
Vote: 4-0 motion passed

* Documents provided at the meeting are on file in the Planning Office

Minutes approved by: _____



Date: _____

